

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR TUESDAY, SEPTEMBER 8, 2009  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULT OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of September 8, 2009, as follows:

**CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 8, 2009**

**(NOTE:** Monday, September 7, 2009, was a Holiday, Labor Day.)

**ROLL CALL:**

Present: Mayor Sanders, Council President Hueso, and Councilmembers Lightner, Gloria, DeMaio, and Frye

Absent: Council President Pro Tem Faulconer - CD-2 (Absent for the meeting.  
Councilmember Young - CD-4 (Absent for Item CS-1.)  
Councilmember Emerald – CD-7 (Absent for Items CS-1 and CS-2)

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Anita Mitchell v. City of San Diego; Bill McDowell***

San Diego Superior Court Case No.: 37-2007-00082425-CU-PA-CTL

DCA Assigned: B. Hsu

Motion: Accept signed settlement offer in the amount of \$220,000.

Moved: Councilmember Gloria - Dist. 3

Seconded: Council President Hueso - Dist. 8

Vote: 5/0 [Passed]

Absent: Council President Pro Tem Faulconer – Dist. 2

Councilmember Young – Dist. 4

Councilmember Emerald – Dist. 7

Report: The following is the report out regarding this item in Open Session  
by Assistant City Attorney Mary Jo Lanza fame on Tuesday, September 8, 2009,  
@5:22 p.m.:

Today, the City Council voted in Closed Session on Closed Session Item No. 1 in the matter of the *Anita Mitchell v. City of San Diego; Bill McDowell*, San Diego Superior Court Case No. 37-2007-00082425-CU-PA-CTL, where Plaintiff claims personal injuries as a result of an automobile accident which occurred on November 14, 2006, to accept the signed settlement offer in the amount of \$220,000.

The motion passed 5 to 0 with Council President Pro Tem Faulconer and Councilmembers Young and Emerald absent.

**CS-2 *Otay Truck Parking, L.P. v. City of San Diego***

San Diego Superior Court Case No. 37-2009-00095661

DCA Assigned: D. Karlin

Report: Nothing to report

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):**

**CS-3 Number of Cases: 2**

DCA Assigned: Tom Zeleny

Motion: Seek reconsideration of California Coastal Commission decision;  
Appeal decision of the California Coastal Commission to the Secretary of  
Commerce; and  
Return on September 15 to update City Council.  
Moved: Councilmember Frye - Dist. 6  
Seconded: Council President Hueso - Dist. 8  
Vote: 7/0 [Passed]  
Absent: Council President Pro Tem Faulconer – Dist. 2  
Report: The following is the report out regarding this item in Open Session  
by Assistant City Attorney Mary Jo Lanzafame on Tuesday, September 8, 2009,  
@5:22 p.m.:

Also, voted in Closed Session on Closed Session Item No. 3 on one matter of anticipated litigation. The matter relates to the California Coastal Commission's August 13, 2009 decision regarding the consistency certification associated with the City's National Pollutant Discharge Elimination System Permit issued jointly by the United States Environmental Protection Agency and the local Regional Water Quality Control Board for the Pt. Loma Wastewater Treatment Plant under sections 301(h) and 301(j)(5) of the Clean Water Act.

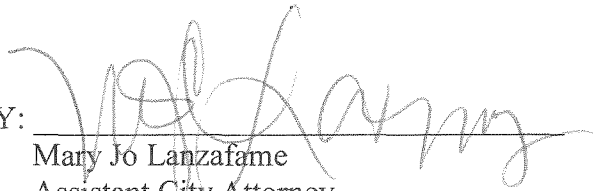
The City Council authorized an appeal of the California Coastal Commission's decision to the Secretary of Commerce.

The motion passed 7 to 0 with Council President Pro Tem Faulconer absent.

**Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

CS-4 Property: 1250 Sixth Avenue, San Diego, CA 92101 (APN-534-055-01)  
Agency Negotiator: David Sandoval, Deputy Director, Real Estate Assets Department  
Negotiating Parties: City of San Diego; Affirmed Housing Group, Inc., dba Affirmed Housing Partners  
Under Negotiation: Purchase price and terms of sale  
DCA Assigned: B. Ladewig  
Report: Nothing to report

REPORTED BY:

  
Mary Jo Lanzafame  
Assistant City Attorney